REMARKS

This is a full and timely response to the final Office Action of January 30, 2006. Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this Second Response, claims 1-28 are pending in this application. The specification and claims 1, 3-5, 7-9, 11, 12, 14, 15, 17-24 are directly amended herein. Further, claims 2, 10, and 16 are cancelled, and claims 26-28 are newly added. It is believed that the foregoing amendments add no new matter to the present application.

Response to §112 Rejections

Claim 17 presently stands rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Claim 14 has been amended herein thereby mooting the 35 U.S.C. §112, first paragraph, rejection of claim 17. Accordingly, Applicants respectfully request that the 35 U.S.C. §112, first paragraph, rejection of claim 17 be withdrawn.

Response to §102 Rejections

"Anticipation under 35 U.S.C. §102 requires the presence in a single prior art disclosure of *each and every* element of the claimed invention." *Lewmar Marine, Inc. v. Barient, Inc.*, 827 F.2d 744, 747; 3 U.S.P.Q.3d 1766 (Fed. Cir. 1987).

Claim 1

Claim 1 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by

Carcerano (U.S. Patent No. 6,308,205). Claim 1, as amended, reads as follows:

> 1. An element management system (EMS) for managing elements of a
> communication network, comprising:
> memory for storing a provision template, the provision template having
> control values that have been defined via user input for provisioning network
> elements of the communication network, *one of the control values indicative of*
> *how a user has specified a network element attribute is to be provisioned*; and
> *a system controller configured* to identify, based on user input, a
> plurality of network elements to which the provision template is to be applied
> and *to automatically provision each of the identified network elements by*
> *updating a respective configuration of each of the identified network elements*
> *based on the one control value.* (Emphasis added).

Applicants respectfully assert that *Carcerano* fails to disclose at least the features of claim 1

highlighted above. Accordingly, the 35 U.S.C. §102 rejection of pending claim 1 is improper.

In this regard, it is alleged in the Office Action that:

> "Carcerano discloses the invention substantially as claimed, including a
> system and method for managing elements of a communication network,
> comprising:
> Memory for storing template data, the template data having a user
> defined value indicative of how a network element attribute is to be
> provision(ed): (Carcerano discloses a database contains configuration
> information templates wherein configuration parameters can be changed or
> updated by the remote workstations: Fig 5, items 105, 107; column 2, lines 46-
> 53).
> A system controller configured to identify a plurality of network
> elements within the communication network based on user input and to
> automatically provision the network element attribute for each of the identified
> network elements based on the user defined value stored in memory: ("the
> request" which is equivalent to "user input" identifies a target device and its
> configuration value: Fig. 7, items 127; column 1, lines 25-38, 52-67; column 2,
> lines 11-67; column 15, lines 57-64)."

The configuration information in the database of *Carcerano* appears to indicate the

configuration of network devices being monitored by a server. Further, the configuration

information in the database is managed by the server, and a user may change the configuration

of a particular network device or "targeted device" by submitting a request to the server. See

column 11, lines 33-63. Presumably, such a request may include a "control value" that indicates how the targeted device is to be changed, and the server may update the configuration of the targeted device based on this "control value." However, it appears that such a user request affects only the targeted device. Moreover, it appears that, to change the same network element attribute for a different network device, a new user request directed to the different network device would be submitted.

In the present invention, as defined by claim 1, a "provision template" can be used by a "system controller" to "automatically" provision the same network element attribute for a plurality of network elements. Thus, in stark contrast to *Carcerano*, it is unnecessary for a user to submit multiple requests to update the same network element attribute for multiple network elements. Indeed, as described by claim 1, the same "network element attribute" for each of a plurality of network elements is "automatically" updated based on the *same* "control value" of the "provision template." There is no such "control value" disclosed by *Carcerano*. Thus, *Carcerano* fails to disclose at least "one control value" that is "indicative of how a user has specified a network element attribute is to be provisioned" and a "system controller configured to... automatically provision each of the identified network elements by updating a respective configuration of *each* of the identified network elements based on the one control value," as recited by claim 1. (Emphasis added).

For at least the above reasons, Applicants respectfully assert that *Carcerano* fails to disclose each feature of claim 1. Thus, the 35 U.S.C. §102 rejection of claim 1 should be withdrawn.

Claims 2-7, 18, 19, and 26

Claims 2-7 presently stand rejected in the Office Action under 35 U.S.C. §102 as allegedly

being anticipated by *Carcerano*. Further, claims 18 and 19 presently stand rejected in the Office

Action under 35 U.S.C. §103 as allegedly being unpatentable over *Carcerano* in view of

Sheldon (U.S. Patent Application Publication No. 2003/0028535). In addition, claim 26 has

been newly added via the amendments set forth herein. Applicants submit that the pending

dependent claims 2-7, 18, 19, and 26 contain all features of their respective independent claim

1. Since claim 1 should be allowed, as argued hereinabove, pending dependent claims 2-7, 18,

19, and 26 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d

1596, 1600 (Fed. Cir. 1988).

Claim 8

Claim 8 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by

Carcerano. Claim 8, as amended, reads as follows:

> 8. An element management system (EMS) for managing elements of a
> communication network, comprising:
> memory; and
> a system controller configured to receive a provision template and to
> store the provision template in the memory, the provision template having
> control values that have been defined via user input for provisioning network
> elements of the communication network, the provision template correlated with
> a plurality of network elements to which the provision template is to be applied,
> *each of the control values specified by a user for controlling a respective*
> *network element attribute for each of the correlated network elements*, the
> system controller configured to receive a request that identifies the provision
> template and to *automatically provision, in response to the request, each of the*
> *correlated network elements based on each of the control values of the*
> *provision template*. (Emphasis added).

Applicants respectfully assert that *Carcerano* fails to disclose at least the features of claim 8

highlighted above. Accordingly, the 35 U.S.C. §102 rejection of pending claim 8 is improper.

In this regard, in rejecting claim 8, it is asserted in the Office Action that:

> "Carcerano discloses the invention substantially as claimed, including a system for managing elements of a communication network, comprising:
> Memory: (Fig 4, item 93).
> A system manager configured to receive a provision template and to store the provision template in the memory, the provision template having control values, each of control values for controlling respective a network element attribute, the system controller configured to receive a request that identifies the provision template and to retrieve the provision template in response to the request, the system controller further configured to select a plurality of network elements within the communication network and to automatically provision each of the selected network elements based on each of the control values of the retrieved provision template: (a template retrieves from the database to be updated according to user requesting, then the updated template is stored back into database: Fig 5, items 107, 105; column 2, lines 35-61)."

Thus, it is alleged in the Office Action that the database of *Carcerano* stores "control values for controlling a network element." However, there is nothing in *Carcerano* to indicate that any of the alleged "control values" is used to provision *each* of a plurality of network elements. Accordingly, *Carcerano* fails to disclose a "system controller configured … to automatically provision, in response to the request, *each* of the correlated network elements based on *each* of the control values of the provision template," as described by claim 8. (Emphasis added).

For at least the above reasons, Applicants respectfully assert that *Carcerano* fails to disclose each feature of claim 8. Thus, the 35 U.S.C. §102 rejection of claim 8 should be withdrawn.

Claims 9-11 and 20

Claims 9-11 and 20 presently stand rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Carcerano*. Applicants submit that the pending dependent claims 9-11 and 20 contain all features of their respective independent claim 8. Since claim 8 should

be allowed, as argued hereinabove, pending dependent claims 9-11 and 20 should be allowed as

a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 12

Claim 12 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by

Carcerano. Claim 12, as amended, reads as follows:

> 12. A method for managing elements of a communication network,
> comprising the steps of:
> receiving a provision template, *the provision template having control*
> *values for controlling different network element attributes*;
> identifying, based on user input, a plurality of network elements to which
> the provision template is to be applied;
> *automatically provisioning each of the identified network elements*
> *based on the control values, one of the control values corresponding to a*
> *particular network element attribute for each of the identified network*
> *elements; and*
> *automatically controlling the particular network element attribute for*
> *each of the identified network elements based on the one control value of the*
> *provision template.* (Emphasis added).

For at least reasons similar to those set forth above in the arguments for allowance of claim 1,

Applicants assert that *Carcerano* fails to disclose that the same "control value" is used to

control the same "network element attribute" for a plurality of network elements. Accordingly,

Applicants submit that *Carcerano* fails to disclose at least the features of claim 12 highlighted

above, and the 35 U.S.C. §102 rejection of claim 12 should, therefore, be withdrawn.

Claims 13 and 27

Claim 13 presently stands rejected in the Office Action under 35 U.S.C. §102 as allegedly

being anticipated by *Carcerano*. Further, claim 27 has been newly added via the amendments

set forth herein. Applicants submit that the pending dependent claims 13 and 27 contain all

features of their independent claim 12. Since claim 12 should be allowed, as argued

hereinabove, pending dependent claims 13 and 27 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 14

Claim 14 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Carcerano*. Claim 14, as amended, reads as follows:

> 14. A method for managing elements of a communication network, comprising the steps of:
> defining a first provision template based on user input, the first provision template having control values and correlated with a plurality of network elements to which the first provision template is to be applied, *each of the control values corresponding to a respective network element attribute for each of the correlated network elements*;
> receiving a request that identifies the first provision template; and
> *automatically provisioning, in response to the request, each of the correlated network elements based on each of the control values of the retrieved first provision template*. (Emphasis added).

For at least reasons similar to those set forth above in the arguments for allowance of claim 8, Applicants submit that *Carcerano* fails to disclose at least the features of claim 14 highlighted above. Accordingly, the 35 U.S.C. §102 rejection of claim 14 should be withdrawn.

Claims 15-17

Claims 15-17 presently stand rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Carcerano*. Applicants submit that the pending dependent claims 15-17 contain all features of their respective independent claim 14. Since claim 14 should be allowed, as argued hereinabove, pending dependent claims 15-17 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 21

Claim 21 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Carcerano*. Claim 21, as amended, reads as follows:

> 21. An element management method, comprising the steps of:
> allowing a user to specify a first control value for controlling a network element attribute;
> defining a first provision template based on the first control value specified by the user; and
> ***provisioning a first plurality of network elements based on the first provision template, wherein the provisioning a first plurality of network elements step comprises the step of automatically setting, within each of the first plurality of network elements, a control value for the network element attribute based on the first control value specified by the user.*** (Emphasis added).

For at least reasons similar to those set forth above in the arguments for allowance of claim 1, Applicants submit that *Carcerano* fails to disclose at least the features of claim 21 highlighted above. Accordingly, the 35 U.S.C. §102 rejection of claim 21 should be withdrawn.

Claims 22-25 and 28

Claims 22 and 23 presently stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Carcerano* in view of *Sheldon*. Further, claims 24 and 25 presently stand rejected under 35 U.S.C. §102 as allegedly being anticipated by *Carcerano*. In addition, claim 28 has been newly added via the amendments set forth herein. Applicants submit that the pending dependent claims 22-25 and 28 contain all features of their respective independent claim 21. Since claim 21 should be allowed, as argued hereinabove, pending dependent claims 22-25 and 28 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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